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*Attorneys for EMPIRE PROSPECT PARTNERSHIP, LP
and JOSEF MITTLEMANN, individually and as
General Partner of Empire Prospect Partnership, LP,*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

- against -

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (BRL)

SIPA LIQUIDATION

(Substantively Consolidated)

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In re:

BERNARD L. MADOFF,

Debtor.

-----X
IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

- against - :

Adv. Pro. No. 10-04404 (SMB)

EMPIRE PROSPECT PARTNERSHIP, LP,
and JOSEF MITTLEMANN, individually,
and as General Partner of Empire Prospect
Partnership, LP,

Defendants.

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NOTICE OF RENEWED MOTION TO DISMISS

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Renewed Motion to Dismiss the Complaint, all prior papers and proceedings herein, and on such other and further arguments as may be presented prior to and at the hearing on the motions, the Defendants, by and through undersigned counsel, will move to dismiss the complaint filed in this instant adversary proceeding pursuant to Rule 12(b) of the Federal Rules of Civil Procedure made applicable by Rule 7012 of the Federal Rules of Bankruptcy Procedure, before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, One Bowling Green, New York, New York 10004 at hearing to be held on the motion at a date to be determined by the Bankruptcy Judge in accordance with the procedures applicable to adversary proceedings.

PLEASE TAKE FURTHER NOTICE that the motion will be subject to further submissions on a schedule to be determined by the Court.

Dated: September 22, 2014
New York, New York

AKERMAN, LLP

By: /s/ Michael I. Goldberg
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